

## **EXHIBIT A**

Date Due: 05/06/02

Date Mailed: 4/19/02

Date Filed: February 7, 2002

Inventor(s): John Marshal Reed et al.

File No.: 112056-0033

Serial No.: 10/071,790

Group Art Unit: 2185

Title: METHOD AND SYSTEM TO QUARANTINE SYSTEM SOFTWARE AND CONFIGURATION

Honorable Commissioner of Patents and Trademarks: We are forwarding herewith:

☒ Power of Attorney

☒ Fee Transmittal Letter

☒ Certificate of Express Mailing

☒ Check No. 4763 for \$130.00

☒ Response to Notice to File Missing Parts of Application

☒ Oath or Declaration

☒ Assignment With Recordation Form Cover Sheet

☒ Check No. 4782 for \$40.00

☒ copy of Notice to File Missing Parts of Application

Kindly have the mail room stamp this card and return it to us so that we may know that the above mentioned papers were duly received.

Initials: DHD/mdm

With Express Certificates of Mailing : EL 736451712 US

**CESARI and McKENNA, LLP**



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**POST OFFICE TO ADDRESSEE**

EL 735451712 US



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Date in		Postage \$
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Return Receipt Fee
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AM PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	COD Fee Insurance Fee
Weight lbs. ozs.	Int'l Alpha Country Code	
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Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> <b>WAVES OF SIGNATURE</b> (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
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CESARI & MCKENNA LLP  
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112056-33-DHD

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# **CESARI AND MCKENNA, LLP**

88 BLACK FALCON AVENUE  
BOSTON, MA 02210  
(617) 951-2500

EXPLANATION	AMOUNT

4783

5-7017-2110

PAY  
AMOUNT  
OF

*One hundred thirty dollars and no* DOLLARS,

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AMOUNT

DATE

TO THE ORDER OF

DESCRIPTION

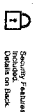
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111011

*4-19-02 Commissioner of Patents & Trademark Patent & Trademark*

\$

130.00



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CITIZENS BANK  
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⑈004783⑈ ⑆21070175⑆ 1107811967⑈

MP

# **CESARI AND MCKENNA, LLP**

88 BLACK FALCON AVENUE  
BOSTON, MA 02210  
(617) 951-2500

EXPLANATION	AMOUNT

4782

5-7017-2110

PAY  
AMOUNT  
OF

*Forty dollars and no*

DOLLARS,

CHECK  
AMOUNT

DATE

TO THE ORDER OF

DESCRIPTION

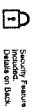
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⑈004782⑈ ⑆21070175⑆ 1107811967⑈

MP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:	)	
John Marshal Reed et al.	)	
	)	
Serial No.: 10/071,790	)	Examiner: Not Yet Assigned
	)	
Filed: February 7, 2002	)	
	)	Art Unit: 2185
For: METHOD AND SYSTEM TO	)	
QUARANTINE SYSTEM SOFT-	)	
WARE AND CONFIGURATION	)	
	)	

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
April 19, 2002

**EXPRESS-MAIL DEPOSIT**

“Express Mail” Mailing-Label Number: EL 736451712 US

The following papers are being deposited with the United States Postal Service  
“Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10:

<u>X</u> Power of Attorney	<u>X</u> Oath or Declaration
<u>X</u> Fee Transmittal Letter	<u>X</u> Assignment With Recordation Form
<u>X</u> Return Postcard	Cover Sheet
<u>X</u> Check No. <u>4703</u> for \$130.00	<u>X</u> Check No. <u>4782</u> for \$40.00
<u>X</u> Response to Notice to File Missing Parts of Application	<u>X</u> copy of Notice to File Missing Parts of Application

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

## Complete if Known

Application Number	10/071,790
Filing Date	February 7, 2002
First Named Inventor	John Marshal Reed et al.
Examiner Name	Not Yet Assigned
Group Art Unit	2185
Attorney Docket No.	112056-0033

TOTAL AMOUNT OF PAYMENT (\$) 170

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 03-1237  
Deposit Account Name: Cesari and McKenna, LLP

- ☒ Charge Any Additional Fee Required Under 37 C.F.R. §§1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:  
☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Code	Small Entity Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1) (\$)					0

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20**	0	0	0
3**	0	0	0
Multiple Dependent			0

Large Entity Code	Small Entity Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					0

\*\*or number previously paid, if greater; For Reissues, see below

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Fee Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English Specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	128	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility Issue fee (or reissue)	
143	460	243	230	Design Issue fee	
144	620	244	310	Plant Issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)  
Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 170

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Duane H. Dreger	Registration No. (Attorney/Agent)	48,836	Telephone	(617) 951-2500
Signature		Date	April 19, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Office, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OF COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of:	)	
John Marshal Reed et al.	)	
	)	Examiner: Not Yet Assigned
Serial No.: 10/071,790	)	
	)	
Filed: February 7, 2002	)	Art Unit: 2185
	)	
For: METHOD AND SYSTEM TO	)	
QUARANTINE SYSTEM SOFT-	)	
WARE AND CONFIGURATION	)	
		Cesari and McKenna, LLP
		88 Black Falcon Avenue
		Boston, MA 02210
		April 19, 2002

"Express Mail" Mailing-Label Number: EL 736451712 US

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

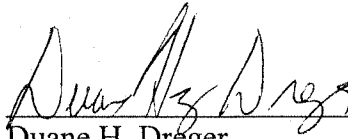
**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Enclosed in response to the Notice to File Missing Parts of Application-Filing Date Granted mailed March 6, 2002, is a Declaration for Patent Application executed by the inventors, along with a check for \$130 to cover the late oath or declaration surcharge for this Response. The above-referenced application filed in the Patent and Trademark Office is the application that the inventors executed by signing the enclosed Declaration.

Also enclosed is an executed Assignment and cover sheet along with a check for \$40 to cover the Assignment recordation fee.

Please charge any additional fee occasioned by this paper to our Deposit Account  
No. 03-1237.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Duane H. Dreger", is written over a horizontal line.

Duane H. Dreger

Reg. No. 48,836

CESARI AND MCKENNA, LLP

88 Black Falcon Avenue

Boston, MA 02210-2414

(617) 951-2500





## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/071,790	02/07/2002	John Marshal Reed	112056-0033

CONFIRMATION NO. 2877

## FORMALITIES LETTER



\*OC000000007587547\*

24267  
CESARI AND MCKENNA, LLP  
88 BLACK FALCON AVENUE  
BOSTON, MA 02210

Date Mailed: 03/06/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

---

*A copy of this notice **MUST** be returned with the reply.*

*Melaniebet kibret*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post-office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND SYSTEM TO QUARANTINE SYSTEM SOFTWARE AND CONFIGURATION, the specification of which was filed on February 7, 2002, and accorded Serial Number 10/071,790 .

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code §119(e) of the following U.S. provisional application:

None

I hereby claim the benefit under Title 35, United States Code §120, of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Michael E. Attaya, Reg. No. 31,731; Charles J. Barbas, Reg. No. 32,959; Joseph H. Born, Reg. No. 28,283; John L. Capone, Reg. No. 41,656; Robert A. Cesari, Reg. No. 18,381; Duane H. Dreger, Reg. No. 48,836; A. Sidney Johnston, Reg. No. 29,548; Steve Kabakoff, Reg. No. P51,276; William A. Loginov, Reg. No. 34,863; John F. McKenna, Reg. No. 20,912; Martin J. O'Donnell, Reg. No. 24,204; Thomas C. O'Konski, Reg. No. 26,320; Edwin H. Paul, Reg. No. 31,405; Michael R. Reinemann, Reg. No. 38,280; Robert E. Rigby, Jr., Reg. No. 36,904; Rita M. Rooney, Reg. No. 30,585; and Patricia A. Sheehan, Reg. No. 32,301, Cesari and McKenna, LLP, 88 Black Falcon Avenue, Boston, MA 02210, and Gary E. Ross, Reg. No. 29,431, Network Applicance, Inc., 495 East Java Drive, Sunnyvale, CA 94089, jointly, and each of them severally, my attorneys and attorney, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent and to transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to Duane H. Dreger at. Please address all correspondence to Duane H. Dreger.

John Marshal Reed      3-26-02  
John Marshal Reed      Date

Residence:      16800 Sundance Drive  
Morgan Hill, CA 95037-3838

Citizenship      United States

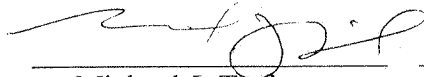
Post Office Address:      same as above

R. Guy Lauterbach      March 21, 2002  
R. Guy Lauterbach      Date

Residence:      13704 Strawberry Circle  
Penn Valley, CA 95964

Citizenship      United States

Post Office Address:      P.O. Box 1387  
Penn Valley, CA 95946

 4/12/2002  
\_\_\_\_\_  
Michael J. Tuciarone                      Date

Residence:                      822 Candlewood Drive  
                                        Cupertino, CA 95014

Citizenship                      United States

Post Office Address:              same as above

**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

To the Honorable commissioner of Patents and Trademarks:

Please record the attached original documents or copy thereof.

**1. Name of conveying party(ies):**

John Marshal Reed  
R. Guy Lauterbach  
Michael J. Tuciarone

Additional name(s) of conveying

party(ies) attached? \_\_\_\_\_ Yes ☒ No

**3. Nature of conveyance:**

☒ Assignment  
\_\_\_\_ Merger  
\_\_\_\_ Security Agreement  
\_\_\_\_ Change of Name  
\_\_\_\_ Other

Execution Date: 03/26/2002; 03/21/2002; and  
04/12/2002 respectively

**2. Name and address of receiving party(ies):**

Name: Network Appliance, Inc.

Street Address: 495 East Java Drive

City: Sunnyvale,

State: CA Zip: 94089

Additional name(s) & address(es)

Attached? \_\_\_\_\_ Yes ☒ No

**4. Application number(s) or patent number(s): 1**

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 10/071,790

B. Patent No. (s)

Additional numbers attached? \_\_\_\_\_ Yes ☒ No

**5. Name and address of party to whom correspondence concerning document should be mailed:**

Name: Duane H. Dreger

Street Address: Cesari and McKenna, LLP  
88 Black Falcon Avenue

City: Boston State: MA Zip: 02210

**6. Total number of applications and patents involved:..... 1**

**7. Total fee (37 CFR 3.41) .....\$40.00**

☒ Enclosed

\_\_\_\_ Authorized to be charged to deposit Account

**8. Deposit account no. 03-1237 (Attach duplicate copy of this page if paying by deposit account)**

**DO NOT USE THIS SPACE**

**9. Statement and signature.**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Duane H. Dreger, Reg. No. 48,836



April 19, 2002

Name of Person Signing

Signature

Date

Total number of pages comprising cover sheet: 1

### ASSIGNMENT

Whereas We, John Marshal Reed, whose residence address is 16800 Sundance Drive, Morgan Hill, CA 95037-3838, R. Guy Lauterbach, whose residence address is 13704 Strawberry Circle, Penn Valley, CA 95964, and Michael J. Tuciarone, whose residence address is 822 Candlewood Drive, Cupertino, CA 95014, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled METHOD AND SYSTEM TO QUARANTINE SYSTEM SOFTWARE AND CONFIGURATION, identified by Cesari and McKenna File No. 112056-0033, the specification of which was filed on February 7, 2002, and accorded Serial Number 10/071,790; and

Whereas Network Appliance, Inc., whose address is 495 East Java Drive, Sunnyvale, CA 94089, and which, together with its successors and assigns, is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited;

Now, Therefore, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign, transfer, and convey to Assignee our entire right, title, and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, continuation-in-part, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, reexaminations, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct;


4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

5. Bind our heirs, legal representatives and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives, and assigns if this assignment had not been made;

and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in our control or in the control of our heirs, legal representatives or assigns which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

In testimony of which we have executed this Assignment as an instrument under seal on the dates indicated next to our names.

Date

  
John Marshal Reed, Inventor

)

)SS

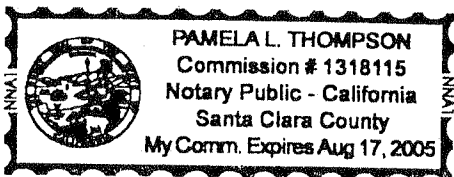
County of Santa Clara

)


appeared John Marshal Reed,

☐ personally known to me  
☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal

  
Signature of Notary Public

[seal]



March 21, 2002  
Date

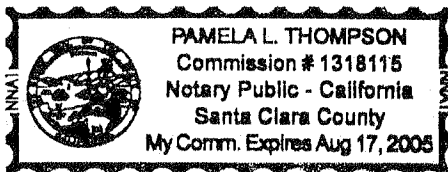
R. Guy Lauterbach  
R. Guy Lauterbach, Inventor

State of California )  
County of Santa Clara ) ss.

On March 21, 2002, before me, Pamela L. Thompson, Notary Public, personally  
appeared R. Guy Lauterbach,

☐ personally known to me  
☒ proved to me on the basis of satisfactory  
evidence

to be the person(s) whose name(s) is/are  
subscribed to the within instrument and  
acknowledged to me that he/she/they  
executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s),  
or the entity upon behalf of which the  
person(s) acted, executed the instrument.



WITNESS my hand and official seal

Pamela L. Thompson  
Signature of Notary Public

[seal]

4/12/2002  
Date

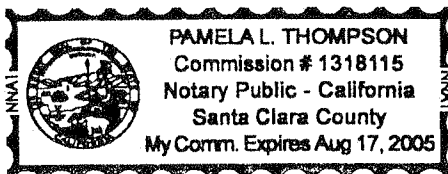
  
Michael J. Tuciarone, Inventor

State of California )  
County of Santa Clara ) ss.


On April 12, 2002, before me, Pamela L. Thompson, Notary Public, personally  
appeared Michael J. Tuciarone,

☐ personally known to me  
☒ proved to me on the basis of satisfactory  
evidence

to be the person(s) whose name(s) is/are  
subscribed to the within instrument and  
acknowledged to me that he/she/they  
executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s);  
or the entity upon behalf of which the  
person(s) acted, executed the instrument.



WITNESS my hand and official seal

  
Signature of Notary Public

[seal]